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PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: Gao et al.  
Serial No.: 10/624,414 Case No.: 20329YDD  
Filed: July 21, 2003  
For: SPIRO-INDOLINES AS Y5 RECEPTOR  
ANTAGONISTS

Art Unit: 1624

Examiner:  
K. Habte

Assistant Commissioner for Patents  
BOX APPLICATIONS  
Washington, D.C. 20231

RESPONSE

Sir:

This is in response to the Office Action of April 21, 2004, for which a response is due by May 21, 2004. This response is filed prior to the date of May 21, 2004 response date. The Examiner is respectfully requested to consider the accompanying remarks.

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450, on the date appearing below.

MERCK & CO., INC.

By Bethel Brown Date 5/20/04



PATENT  
CASE NO. 20329YDD

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

In re application of: Gao et al.  
Serial No. 10/624,414  
Filed July 21, 2003  
Group Art Unit 1624  
Examiner K. Habte  
For: SPIRO-INDOLINES AS Y5 RECEPTOR ANTAGONISTS

Transmitted herewith is an amendment in the above-identified application.

- No additional fee is required.  
 The fee has been calculated as shown below.

CLAIMS AS AMENDED

(1)	(2) Claims remaining after amendment	(3)	(4) Highest Number Previously Paid For	(5) Present Extra	(6) Rate	(7) Additional Fee
Total Claims	* <u>27</u>	-	** <u>27</u> =	<u>0</u> X	\$18	= <u>0.00</u>
Independent Claims	* <u>1</u>	-	*** <u>3</u> =	<u>0</u> X	\$86	= <u>0.00</u>
Multiple Dependent Claims					\$290 ****	= <u></u>
<b>TOTAL ADDITIONAL FEE FOR THIS AMENDMENT</b>						0.00

\* If the entry in Column 2 is less than the entry in Column 4, write "0" in Column 5.

\*\* If the "Highest Number Previously Paid For" in this space is less than 20, write "20" in this space.

\*\*\* If the "Highest Number Previously Paid For" in this space is less than 3, write "3" in this space.

\*\*\*\* Add this fee only if application is amended to include multiple dependent claims (regardless of number) and no multiple dependent claims were originally filed.

Charge \$ 0.00 to Deposit Account No. 13-2755. Please charge any additional fees or credit overpayment to Deposit Account No. 13-2755. A duplicate copy of this sheet is enclosed.

Respectfully,

Baerbel R. Brown

By: BAERBEL R. BROWN

Attorney \_\_\_\_\_ for Applicant(s)

Reg. No. 47,449

MERCK & CO., INC.

Patent Dept., RY60-30

P.O. Box 2000

Rahway, N.J. 07065-0907

(732) 594-0672

Date: May 20, 2004

IN DUPLICATE

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents,  
P.O. Box 1450  
Alexandria, Virginia 22313-1450

Prior Application:

Examiner K. Habe

Art Unit 1624

Sir: This is a request for filing a  Continuation  Divisional

application, under 37 C.F.R. 1.53(b), of pending application Serial No. 10/228,250

filed on

August 26, 2002

of Ying-Duo Gao, Douglas J. MacNeil, Lihu Yang, Nancy R. Morn, Toshiro Fukumi, Akio Kanatani, Takahiro Fukuroda, Yasuyuki Ichii, and Masaki Itoh

(DATE)

(INVENTOR)

MAY 24 2004

for SPIRO-INDOLINES AS Y5 RECEPTOR ANTAGONISTS

(TITLE OF INVENTION)

1. The enclosed comprises a copy of prior application Serial No. 10/228,250

August 26, 2002. The entire disclosure of this prior application is hereby incorporated by reference.

2. The filing fee is calculated below:

JUL 21 2003

## CLAIMS AS FILED IN THE PRIOR APPLICATION, LESS ANY CLAIMS CANCELED BY AMENDMENT BELOW

FOR	NUMBER FILED	NUMBER EXTRA	RATE	FEES
Total Claims	27	-	\$18	\$126
Independent Claims	1	-	\$84	\$0
*Multiple Dependent Claims		0	\$280	
Basic Fee (minimum amount required)			\$750	
			\$876	Total Fee

\* Add this fee if application contains any multiple dependent claims, regardless of number.

3. The Commissioner is hereby authorized to charge any fees which may be required or to credit any overpayment to Account No. 13-2755.

4.  Amend the specification by inserting before the first line the sentence:

-- This is a  continuation,  division of application Serial No. \_\_\_\_\_, filed \_\_\_\_\_.

5.  Cancel in this application original claims: \_\_\_\_\_.

6.  Preliminary amendment enclosed.

7.  Information Disclosure Statement/PTO-1449 enclosed.

- 8a.  Transfer the drawings from the prior application to this application and abandon said prior application as of the filing date accorded this application. A duplicate copy of this sheet is enclosed for filing in the prior application file.

- 8b.  New formal drawings are enclosed.

- 9a.  Priority of application Serial No. \_\_\_\_\_, filed \_\_\_\_\_, in \_\_\_\_\_ is claimed under 35 U.S.C. 119.

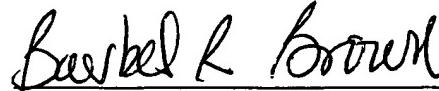
- (COUNTRY)  
9b.  The certified copy of the priority application has been filed in prior application Serial No. \_\_\_\_\_, filed \_\_\_\_\_.

10.  The prior application is assigned to Merck & Co., Inc. & Banyu Pharmaceutical Co., Ltd. \_\_\_\_\_.

11.  The undersigned attorney or agent has:

- a.  Power in the prior application as originally filed.  
b.  Associate power, copy enclosed.

Respectfully,



By: BAERBEL R. BROWN

Attorney for Applicant(s)

Registration No. 47,449

Telephone: (732) 594-0672

Address: Merck & Co., Inc.  
Patent Department  
P.O. Box 2000 - RY60-30  
Rahway, N.J. 07065-0907

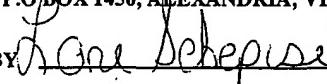
Date: July 21, 2003

## EXPRESS MAIL CERTIFICATE

DATE OF DEPOSIT July 21, 2003

EXPRESS MAIL NO. EV321983299US

I HEREBY CERTIFY THAT THIS CORRESPONDENCE IS BEING DEPOSITED WITH THE UNITED STATES POSTAL SERVICE AS EXPRESS MAIL "POST OFFICE TO ADDRESSEE" ON THE ABOVE DATE IN AN ENVELOPE ADDRESSED TO COMMISSIONER FOR PATENTS, P.O. BOX 1450, ALEXANDRIA, VIRGINIA 22313-1450.

MAILED BY  DATE 7/21/2003



THE PATENT & TRADEMARK OFFICE ACKNOWLEDGES, AND HAS  
STAMPED HEREON, THE DATE OF THE RECEIPT AND THE ASSIGNED  
SERIAL NUMBER OF THE FOLLOWING PATENT APPLICATION:

CASE NUMBER <b>20329YDD</b>	✓ DATE <b>7/21/2003</b>	ATTORNEY <b>BRB/agb</b>	EXPRESS MAIL <input checked="" type="checkbox"/>
TITLE <b>Spiro-Indolines as Y5 Receptor Antagonists</b>			
INVENTORS Ying-Duo Gao, Douglas J. MacNeil, Lihu Yang, Nancy R. Morin, Takehiro Fukami, Akio Kanatani, Takahiro Fukuroda, Yasuyuki Ishii, and Masaki Ihara			
NO. OF PAGES <b>126</b>	NO. OF CLAIMS <b>27</b> <b>21910 U.S. PTO</b>	PAGES OF DRAWING <b>None</b>	
DECLARATIONS <b>Yes</b>	<b>10/624414</b> 	ACCOUNT CHARGE <b>13 - 2755</b>	<b>\$ 876.00</b>
F1071.3 REV 9/93      07/21/03			